

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**192**

**CA 16-01269**

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

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ASHTON BLAIR MCEVOY, PLAINTIFF-RESPONDENT,

V

ORDER

MULDOON & GETZ AND JON P. GETZ,  
DEFENDANTS-APPELLANTS.

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BARCLAY DAMON, LLP, BUFFALO (TYSON PRINCE OF COUNSEL), FOR  
DEFENDANTS-APPELLANTS.

VIOLA, CUMMINGS & LINDSAY, LLP, NIAGARA FALLS (MICHAEL J. SKONEY OF  
COUNSEL), FOR PLAINTIFF-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered May 2, 2016. The order denied defendants' motion for summary judgment dismissing plaintiff's complaint.

Now, upon the stipulation of discontinuance signed by the attorneys for the parties on August 17, 2016, and filed in the Niagara County Clerk's Office on September 29, 2016,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: February 3, 2017

Frances E. Cafarell  
Clerk of the Court